THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.18771 of 2007

25.10.2007

Between
Smt.Dola Bhagyavathi.

…Petitioner

And
The District Collector, (Civil Supplies), Srikakulam and others.

…Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.18771 of 2007

ORDER:

Heard the learned counsel.

This Court issued notice before admission on 06.09.2007 and granted interim direction for a period of four weeks, and subsequent thereto, the same was extended for four more weeks on 06.10.2007.

This writ petition is filed seeking a Mandamus to declare the proceedings S.R.(R)12/2007 S2, dated 16.08.2007, of the

1st respondent as illegal, arbitrary, unjust and contrary to law and violative of Articles 14 and 16 of the Constitution of India and set aside the same, and consequently to direct respondent Nos.1 to 4 to continue the petitioner as Fair Price Shop Dealer of R.L.Puram Village, Pathapatnam Mandal, Srikakulam District and pass such other orders in the circumstances of the case.

It is the case of the petitioner that there are two political groups in the village and one group seems to

have made a representation to the 1st respondent and the 4th respondent alleging that she had committed certain irregularities in distribution of essential commodities. Basing on that, the 4th respondent had issued a show cause notice, dated 07.12.2006, alleging certain charges against her and directing her to submit explanation within three days. She submitted her explanation on 11.12.2006 categorically denying the alleged charges and stating that she had distributed the essential commodities to the cardholders, and there was no complaint either from the cardholders, or the revenue authorities. The 4th respondent without conducting any enquiry, without considering her explanation and without issuing any show cause notice before passing the cancellation order, erroneously through his proceedings *vide* Rc.No.193/06, dated 24.12.2006, cancelled her authorization, basing on the resolution passed by the Food Adviser Committee, dated 23.12.2006.

It is stated that the petitioner aggrieved by the order of the 4th respondent filed an appeal before the 2nd respondent-Joint Collector. The 2nd respondent, after hearing both sides, through his proceedings, Dis.No.365/2007 S2, dated 21.07.2007, allowed her appeal by setting aside the order of the 4th respondent, Mandal Revenue Officer, Pathapatnam. Though the 5th respondent has no *locus standi* to file revision, she filed a revision before the

1st respondent and the 1st respondent through

proceedings S.R.(R) 12/2007 S2, dated 16.08.2007, stayed the order of the 2nd respondent.

It is also stated that the 5th respondent was appointed as a temporary dealer of the fair price shop in question due to cancellation of authorization of the petitioner and therefore, she has no right to question the order passed by the 2nd respondent and hence, the revision petition filed by her before the first respondent is not maintainable. It is further stated that 2nd respondent after perusing the material on record, rightly allowed the appeal filed by the petitioner setting aside the order of the 4th respondent. It is also stated that the petitioner in the month of August, 2007 lifted the stock and distributed the commodities to the cardholders. It is further stated that the 1st respondent without looking into the material on record erroneously through his order, dated 16.08.2007, granted stay. Certain further allegations have been made in paras-8 and 9 of the affidavit filed in support of the writ petition.

In the facts and circumstances of the case, since interim direction was already granted by this Court, this Court is of the opinion that the writ petition be disposed of directing the 1st respondent to dispose of the revision petition pending before him within a period of four weeks and till then, the interim order granted by this Court shall be in force.

The writ petition is disposed of accordingly. No order as to costs.

25.10.2007

VGB